



**CITY OF SCOTTSDALE
PERSONNEL BOARD MEETING**

SUMMARY MINUTES

**Tuesday, October 20, 2020
Wednesday, October 21, 2020
Thursday, October 22, 2020
Tuesday, October 27, 2020**

**Virtual Public Hearing On-line
and
NCY Wrangler Room 9191 E. San Salvador Drive
Scottsdale, Arizona 85258**

PRESENT

Board Members: Steven Guttell, Chair
Jeffrey Skoglund, Vice-Chair

Respondent: Alan Rodbell, Chief of Police
Diana Day

Appellant: Aaron Minor
Steve Serbalik

Respondent Witnesses: Joel Lewis
George Gollihar
Scott Popp
Mary C. Cronin
Alan Rodbell

Appellant Witnesses: Aaron Minor
Richard Slavin
Robert Bonnette
Melissa Palopoli

Staff: Janice Bladine, Board Legal Counsel
Donna Brown, Human Resources Director
Autumn Asmus, Staff Coordinator
Vernon Goode, HR Systems Integrator

CALL TO ORDER

Chair Guttell called the Personnel Board Hearing meeting to order at 9:00 a.m. on October 20, 2020. Roll call confirmed the presence of Board members as noted.

ROLL CALL

Members present as listed above.

1. ELECTION OF CHAIR AND VICE-CHAIR

VICE-CHAIR SKOGLIND NOMINATED STEVEN GUTTELL FOR THE POSITION OF CHAIRPERSON OF THE PERSONNEL BOARD. CHAIR GUTTELL SECONDED THE NOMINATION, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

CHAIR GUTTELL NOMINATED JEFFREY SKOGLIND FOR THE POSITION OF VICE CHAIRPERSON OF THE PERSONNEL BOARD. VICE-CHAIR SKOGLIND SECONDED THE NOMINATION, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

2. HEARING ON APPEAL OF TERMINATION OF AARON MINOR

The hearing convened with introductions of the Board, Appellant Party, and Respondent Party, followed by Chair Guttell's statement of the authority of the Board and the rules of order that were to apply during the hearing. Chair Guttell reviewed safety protocols that were put in place due to the COVID-19 pandemic. The meeting is subject to Open Meeting Law; pursuant to the ruling of a Superior Court judge the general public may attend through an audio feed. In addition, Chair Guttell authorized Appellant to have a videographer present and produce a live YouTube feed of the proceedings. Rules for video recording and live streaming will be attached to the final transcript of the proceedings.

Ms. Day objected to the presence of Jim Parks, because he has a leadership role with AZCOPS and is not a member of Mr. Serbalik's staff. Mr. Serbalik argued that Mr. Parks was present to serve as his assistant during the proceedings. Chair Guttell opined that allowing Mr. Parks to attend the hearing would be contrary to the City's rule that was supported by the Superior Court judge. He asked Mr. Parks to leave the room.

Chair Guttell noted that Counsel have invoked the rule the rule of exclusion and he ordered that witnesses other than parties or party representatives who may be witnesses be excluded from the hearing room and placed in an area where they cannot hear other witnesses' testimony.

Chair Guttell accepted the exhibits stipulated to by both the Respondent and the Appellant.

Donna Brown, Human Resources Director, entered into the record the case to be heard by the Board.

Mr. Serbalik objected to proceeding with the hearing based off of the limited access to the public, due to the City's pandemic protocol. He noted that members of the media and members of Mr. Minor's family attempted to attend the hearing and were excluded.

Chair Guttell offered each party an opportunity to make a brief opening statement of not more than ten minutes. Ms. Day provided the Respondent's statement, followed by Mr. Serbalik's statement for the Appellant.

Chair Guttell administered the oath to each witness as they appeared.

Ms. Day began Respondent's witness' testimony on **October 20, 2020**.

Examination of Respondent's witness Joel Lewis commenced at 10:14 a.m. and concluded at 4:21 p.m.

Examination of Respondent's witness George Gollihar commenced at 4:41 p.m. and concluded at 6:29 p.m.

The hearing recessed for the day at 6:33 p.m.

Testimony of Respondent's witnesses resumed on **October 21, 2020** at 9:00 a.m.

Examination of Respondent's witness Mary Cronin commenced at 9:01 a.m.

VICE-CHAIR SKOGLIND MOVED TO RECESS INTO EXECUTIVE SESSION AT 11:35 A.M. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). THE REGULAR MEETING RESUMED AT 11:50 A.M. CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

VICE-CHAIR SKOGLIND MOVED TO RECESS INTO EXECUTIVE SESSION AT 12:20 P.M. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). THE REGULAR MEETING RESUMED AT 12:25 P.M. CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

Testimony of Ms. Cronin concluded at 1:03 p.m.

Examination of Appellant's witness Melissa Palopoli was taken out of order. Testimony commenced at 2:35 p.m. and concluded at 3:58 p.m.

Examination of Respondent's witness Scott Popp commenced at 4:14 p.m. and concluded at 6:02 p.m.

The hearing recessed for the day at 6:03 p.m.

Testimony of Respondent's witnesses resumed on **October 22, 2020** at 9:04 a.m.

Examination of Respondent's witness Alan Rodbell commenced at 9:12 a.m. and concluded at 2:31 p.m.

Respondent rested their case at 2:56 p.m.

Examination of Appellant's witness Richard Slavin commenced at 2:57 p.m. and concluded at 4:10 p.m.

The hearing recessed for the day at 4:11 p.m.

Testimony of Appellant's witnesses resumed on **October 27, 2020** at 10:30 a.m.

Examination of Appellant's witness Robert Bonnette commenced at 10:31 a.m. and concluded at 10:57 a.m.

Examination of Appellant, Aaron Minor, commenced at 11:00 a.m. and concluded at 12:35 p.m.

Appellant rested their case at 12:37 a.m.

Chair Guttell offered each party an opportunity to make a brief closing statement of not more than ten minutes. Ms. Day provided the Respondent's statement, followed by Mr. Serbalik's statement for the Appellant.

3. MOTION TO RECESS INTO EXECUTIVE SESSION

RECONVENE PUBLIC MEETING FOLLOWING EXECUTIVE SESSION AS APPLICABLE

The Board recessed into Executive Sessions on October 21, 2020, during the testimony of Mary Cronin as noted above and on October 27, 2020, during Board deliberations as noted below.

4. DISCUSSION OF EVIDENCE AND DELIBERATION BY BOARD

VICE-CHAIR SKOGLIND MOVED TO RECESS INTO EXECUTIVE SESSION AT 2:45 P.M. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). THE REGULAR MEETING RESUMED AT 3:00 P.M. CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

The Board discussed the findings of fact, their conclusions, and recommendation to the City Manager.

Vice-Chair Skoglund reviewed his professional background before expressing his thoughts on the case. He noted that based on testimony regarding exchanges with Lieutenant Bonnette on the evening of May 9th and his telephone conversation with Assistant Chief Popp on May 10th and 14th, Aaron Minor had information about offended parties, and was neither truthful or complete with his testimony regarding that information during his IA interview on June 28, 2019. Aaron Minor's conversations with Assistant Chief Slavin on May 10th and Assistant Chief Popp on May 10th and 14th would have been facts of value to the investigation. Mr. Minor's IA interview demonstrated untruthfulness and incompleteness.

Vice-Chair Skoglund concluded that Aaron Minor was informed about possible disciplinary action through access to manuals, general orders, handbooks and his personal experience as an IA investigator and supervisor. He noted that review of integrity violations over recent years and the testimony of Chief Rodbell demonstrates that disciplinary action taken against Aaron Minor is reasonably related to the standards of conduct for a professional law enforcement officer. Testimony supports that an integrity violation occurred and the discipline is consistent with previous integrity violations.

Vice-Chair Skoglund found that there was just cause and affirmed the actions and discipline taken by the City of Scottsdale.

Chair Guttell reviewed his professional background before expressing his thoughts on the case. Based on his review of all relevant and material evidence he concluded that Aaron Minor did not violate any of the provisions of Scottsdale code, general orders, administrative regulations, City employee values, or the statute. Chair Guttell said that Appellant's testimony and Lieutenant Bonnette's testimony were sufficient to show that Aaron Minor did not knowingly or intentionally lie or provide false or misleading information. He noted that the question during his IA interview of whether someone was "directly offended" was unclear and was interpreted as whether or not the inappropriate comments made by Chief Slavin were directed towards a particular person during the May 9th meeting. Chair Guttell opined that pertinent information was excluded from the investigation due to the failure of Sergeant Lewis to go back on tape when Aaron Minor came forward with additional comments.

Chair Guttell found that the City did not have just cause to terminate Aaron Minor and the that the decision be overturned and the Appellant be returned to duty and appropriate damages awarded.

VICE-CHAIR SKOGLIND MOVED TO RECESS INTO EXECUTIVE SESSION TO CONFER WITH COUNSEL REGARDING HOW TO FORM A RECOMMENDATION BASED ON TWO OPPOSING RECOMMENDATIONS AT 3:21 P.M. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). THE REGULAR MEETING RESUMED AT 3:34 P.M. CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

5. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION TO CITY MANAGER

VICE-CHAIR SKOGLIND MOVED THAT THE BOARD PROVIDE TO THE CITY MANAGER AS ITS RECOMMENDATION THE TWO SETS OF FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS AS STATED BY THE CHAIR AND VICE CHAIR INDIVIDUALLY AND AS REFLECTED IN THE TRANSCRIPT. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES. VICE-CHAIR SKOGLIND MOVED TO CONCLUDE THE APPEAL HEARING OF AARON MINOR. CHAIR GUTTELL SECONDED THE MOTION.

Mr. Serbalik said that this proceeding is pursuant to the Peace Officers Bill of Rights, A.R.S. 38-1106, which states that the Personnel Board is considered an appeals board, that the next steps to the Appellant's rights depends on the Board's existence, a decision being made, and a finding that the City has met its burden of proof on appeal for the disciplinary action. He noted that the Board's split decision affects the next steps in the appeal process. He stated for the record that he is not waiving any legal right that Appellant may have related to what this procedural posture.

Ms. Day agreed with Mr. Serbalik that the decision has created a complicated procedural circumstance. She stated that the City also does not waive any legal rights.

BOARD MEMBERS VOTED ON THE MOTION TO CONCLUDE THE APPEAL HEARING OF AARON MINOR, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

6. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON JUNE 20, 2017

VICE-CHAIR SKOGLIND MOVED TO APPROVE THE JUNE 20, 2017 PERSONNEL BOARD MEETING MINUTES. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

7. FUTURE AGENDA ITEMS

It was noted that Chair Guttell's term ends in November 2020 and Vice-Chair Skoglund's term ends in December 2020. Ms. Bladine reviewed the City Council board appointment process.

ADJOURNMENT

VICE-CHAIR SKOGLIND MOVED TO ADJOURN THE MEETING. CHAIR GUTTELL SECONDED THE MOTION, WHICH CARRIED TWO (2) TO ZERO (0). CHAIR GUTTELL AND VICE-CHAIR SKOGLIND VOTED IN THE AFFIRMATIVE. THERE WERE NO DISSENTING VOTES.

With no further business to discuss, being duly moved and seconded, the meeting adjourned on October 27, 2020 at 3:42 p.m.

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